

Remarks/Arguments

Claims 9-16 are pending in the application. The Office has rejected claims 9-13 and 15-16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,286,762 to Reynolds et al. (hereinafter “Reynolds”). In addition, the Office has rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Reynolds in view of U.S. Patent No. 5,121,103 to Minasy et al. (hereinafter “Minasy”).

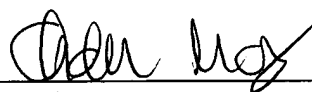
As previously presented, Applicant’s claims 9, 15 and 16 recite, in part, “activating a bad read indicator to produce a *single* bad read indication by [a] checkout device” if item identification information is not received from *both* a barcode label and a radio frequency identification (RFID) label by the checkout device (emphasis added). As noted by the Office, Reynolds teaches activating a first red LED 84 in response to each unsuccessful read of a RFID tag, and a second red LED 86 in response to each unsuccessful read of a machine-readable symbol such as a barcode symbol (*see, e.g.*, Reynolds, col. 7, lines 41-65). While, as the Office points out, Reynolds may teach illuminating separate bad read indicators in the form of separate red LEDs in response to respective failures to read a RFID tag and a barcode symbol, Reynolds does not teach or even suggest activating a bad read indicator to produce a *single* bad read indication in the event that item identification information is not received from *both* the RFID tag and the barcode symbol as required by Applicant’s claims 9, 15 and 16. A person of ordinary skill in the art would readily appreciate that illuminating separate LEDs for each of a failure to read a RFID tag and a barcode symbol is not at all the same as, nor is it even suggestive of, producing a single bad read indication upon the failure to read both the RFID tag and the barcode symbol. That is, Reynolds considers only the independent failures to read a RFID tag and a barcode symbol and is not concerned with providing a single response to a collective failure to read both. Thus, Reynolds fails to teach or suggest all of the elements of Applicant’s claims 9, 15 and 16. As a result, Applicant’s claims 9, 15 and 16 are patentable over Reynolds.

As previously presented, Applicant's claim 14 recites a method of notifying an operator of a result of attempting to read a number of product labels on an item comprising, in part, the step of "activating a bad read indicator to produce a *single* bad read indication by [a] checkout device" if no item identification information is received from *both* a barcode label and a RFID label in response to an attempting step (emphasis added). The Office attempts to rely on Reynolds to provide this step. However, as described above with respect to claims 9, 15 and 16, Reynolds fails to teach or even suggest producing a single bad read indication upon a failure to read both a RFID tag and a barcode label. Thus, Reynolds fails to provide a required step of Applicant's claim 14 for which it was relied upon by the Office. As the Office did not rely on Minasy for this step, and Applicant is unaware of Minasy teaching or even suggesting it, Applicant's claim 14 is patentable over Reynolds in view of Minasy.

Conclusions

In light of the foregoing, Applicant asks the Office to reconsider this application and to allow all of the claims. Please apply any charges that might be due, excepting the issue fee but including fees for extensions of time, to deposit account 14-0225.

Respectfully,

A handwritten signature in dark ink, appearing to read "Charles Maney", is written over a horizontal line.

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